

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 04-10509REK

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Ronald Burke * *

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Plaintiff * *

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v. Hoyt Corporation and * *

BeneFirst, LLC * *

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Defendants * *

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JOINT STATEMENT FOR SCHEDULING CONFERENCE

Now come counsel for the parties in the above-captioned matter and present the following to this Court as representation of their plan for discovery, motions, and certification of costs of litigation:

1. Matters to be discussed at scheduling conference:

Efforts made by Hoyt Corporation to try to compromise and pay the Plaintiff's medical bills. Defendant BeneFirst LLC denies any liability or responsibility for payment of the medical bills claimed as damages in the Complaint.

2. Joint Discovery Plan

A. Parties shall provide to all other parties those items identified in Rule 26(a)(1) no later than June 30, 2004;

- B. Parties shall engage in phase one of discovery consisting of information required for assessment of the case and case development through August 31, 2004. This discovery shall include interrogatories, document requests, depositions, requests for admission, and any other allowable form of discovery;
- C. Counsel for all parties shall confer no later than September 30, 2004 regarding settlement of the matter given the discovery conducted thus far;
- D. If no settlement is reached, parties shall attend a case management conference scheduled with the Court at the request any party;
- E. Following case management conference, parties shall engage in further discovery pending trial, which shall conclude February 28, 2005 and shall include disclosures required under Fed R Civ P 26 (a) (2) and (3);
- F. A Pre-Trial Conference date shall be scheduled no later than March 31, 2005;
- G. If no settlement is reached, a firm trial date shall be scheduled at the time of the Pre-Trial Conference.

3. Schedule for Filing of Motions

- A. All motions under Fed R Civ P 12, 15, 19, & 20 must be filed by July 31, 2004;
- B. All motions under Fed R Civ P 56 must be filed by February 28, 2005.

4. Certifications

The counsel for parties hereby certify that they have conferred regarding the known and potential costs of litigation; that all parties are aware of their respective costs of litigation as well as its time and complexity, and that all parties have been made aware of and have considered

alternative dispute resolution programs. All parties have certified same under separate signed documents.

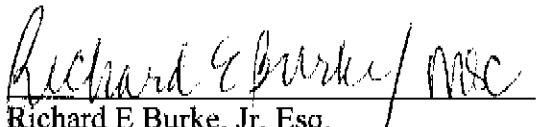
Respectfully submitted,

The Plaintiff,
By His Attorney,
LAW OFFICES PAUL E KELLEHER

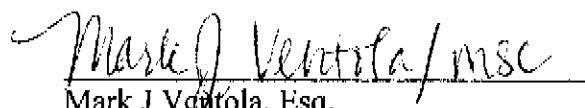


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